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Mercury Casualty Company  
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8 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

9 MERCURY CASUALTY COMPANY, a  
California Corporation

10 Plaintiff,

11 v.

12 HAIYAN XU, an individual; VICTORIA  
13 HARBOR INVESTMENTS, LLC, a Nevada  
Limited Liability Company; DOES 1-10,  
14 inclusive

15 Defendants

2:23-cv-02082-JCM-EJY

~~**PROPOSED**~~ **ORDER**  
**GRANTING MOTION TO**  
**SERVE DEFENDANTS BY**  
**PUBLICATION**

16  
17 **I. DISCUSSION**

18 Federal Rule of Civil Procedure (“FRCP”) 4(m) allows the Court to extend  
19 time to effect service when good cause is shown that reasonable efforts to effect  
20 service are undertaken by a plaintiff. FRCP 4(e) allows a party to seek service of a  
21 defendant “by ... following state law for serving a summons in an action brought in  
22 courts of general jurisdiction in the state where the district court is located ....”  
23 Nevada Rule of Civil Procedure (“NRCP”) 4.4 allows service through alternative



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means so long as certain procedural steps are undertaken. Plaintiff's repeated service attempts at multiple addresses show Plaintiff was diligent in attempting to serve Defendants.

## II. ORDER

Therefore, in accordance with the federal and state rules pertaining to service of process, this Court **GRANTS** Plaintiff's motion to serve Defendants by publication. Plaintiff shall serve Defendants by publishing the following notices in Nevada Legal News, which is a publication within the state where Defendants were last known to reside and is reasonably calculated to give the defendant actual notice of the proceedings. Said notices shall first be published on March 11, 2024, and shall be published once per week thereafter for a total of four weeks. NRCP 4.4(c)(2)(A).

### A. Proposed Language For Service Upon Haiyan Xu Pursuant to NRCP 4.4(c)(2)(C)

Plaintiff shall use the following language in the notice published for Haiyan Xu:

To: Haiyan Xu

A lawsuit has been filed against you by Mercury Casualty Company. Mercury seeks a declaratory judgment that there is no coverage for injury claims made by Tuan Ta under a policy of insurance issued by plaintiff to you with policy number NVHP0000025984.

The date of first publication of this notice is March 11, 2024, and it will be published weekly through April 1, 2024. Pursuant to NRCP 4.4(c)(4)(C)(i), service is complete on April 8, 2024. You must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure by April 29, 2024 (21 days of completion of service). The answer or motion must



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1 be served on the plaintiff or plaintiff's attorney, whose name and  
2 address are: Mercury Casualty Company, c/o Sean D. Cooney, Esq.,  
4045 Spencer St. Ste. A47, Las Vegas, NV 89119

3 If you fail to respond, judgment by default will be entered against  
4 you for the relief demanded in the complaint. You also must file  
your answer or motion with the court.

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6 **B. Proposed Language For Service Upon Victoria Harbor  
Investments, LLC Pursuant to NRCP 4.4(c)(2)(C)**

Plaintiff shall use the following language in the notice published for Victoria

7 Harbor Investments:

8 To: Victoria Harbor Investments, LLC

9 A lawsuit has been filed against by Mercury Casualty Company.  
10 Mercury seeks a declaratory judgment that there is no coverage for  
11 injury claims made by Tuan Ta under a policy of insurance issued  
by plaintiff to you with policy number NVHP0000025984.

12 The date of first publication of this notice is March 11, 2024, and it  
13 will be published weekly through April 1, 2024. Pursuant to NRCP  
4.4(c)(4)(C)(i), service is complete on April 8, 2024. You must serve  
14 on the plaintiff an answer to the attached complaint or a motion  
under Rule 12 of the Federal Rules of Civil Procedure by April 29,  
2024 (21 days of completion of service). The answer or motion must  
15 be served on the plaintiff or plaintiff's attorney, whose name and  
address are: Mercury Casualty Company, c/o Sean D. Cooney, Esq.,  
16 4045 Spencer St. Ste. A47, Las Vegas, NV 89119

17 If you fail to respond, judgment by default will be entered against  
18 you for the relief demanded in the complaint. You also must file  
your answer or motion with the court.

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1 On or before March 11, 2024, Plaintiff shall also mail a copy of the summons  
2 and complaint to Ms. Xu at 3245 Lindell Rd., Las Vegas, Nevada, 89146. Since the  
3 registered agent for Victor Harbor Investments claims it no longer serves in that  
4 capacity, and since Ms. Xu is the only known member of defendant Victoria Harbor  
5 Investments, LLC, Plaintiffs shall also mail a copy of the summons and complaint  
6 to Victoria Harbor Investments at the same address.

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8 DATED this 5th day of March, 2024.

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12 UNITED STATES MAGISTRATE JUDGE  
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